

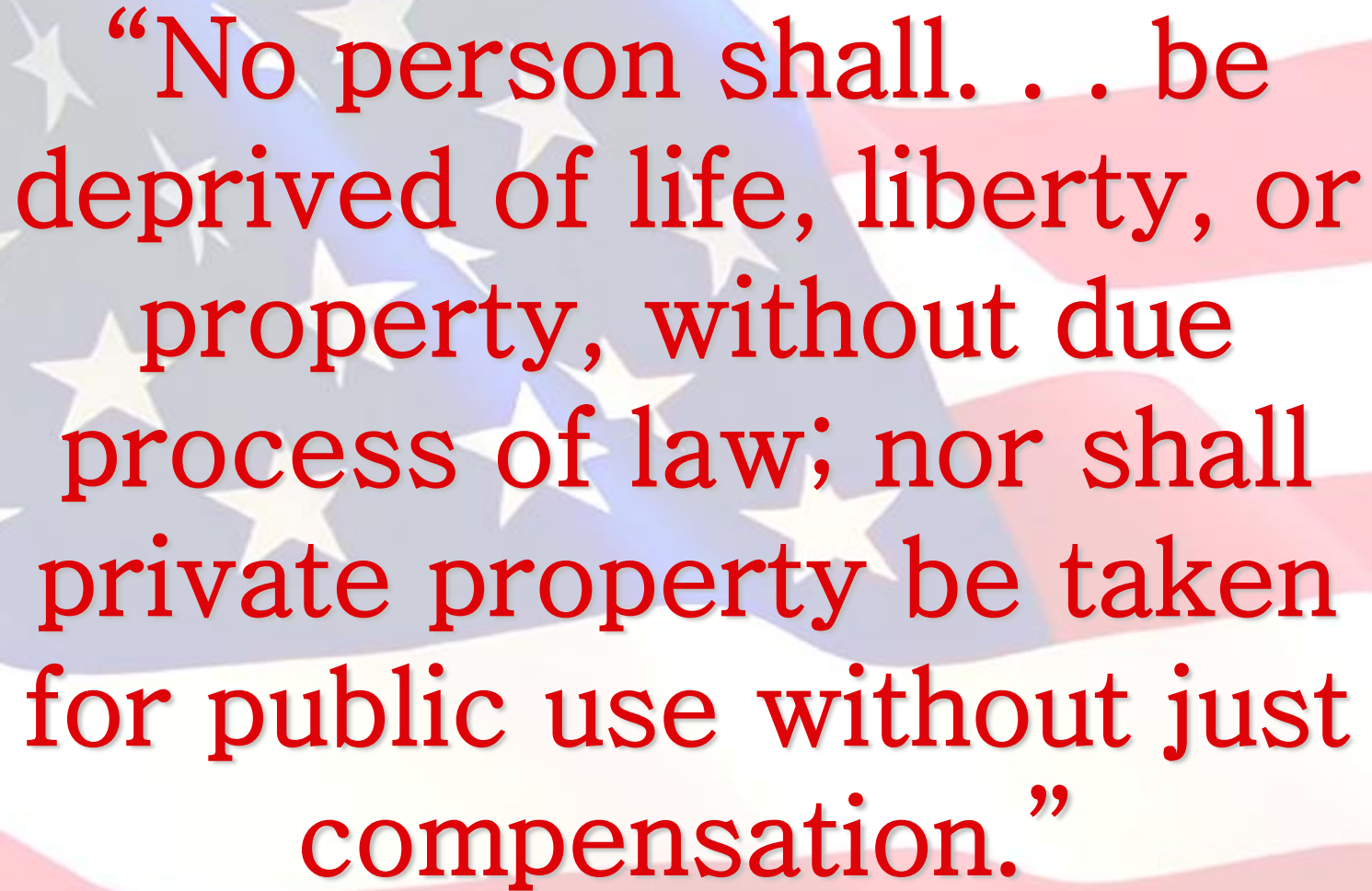
Acquisition

And Right-of-Ways



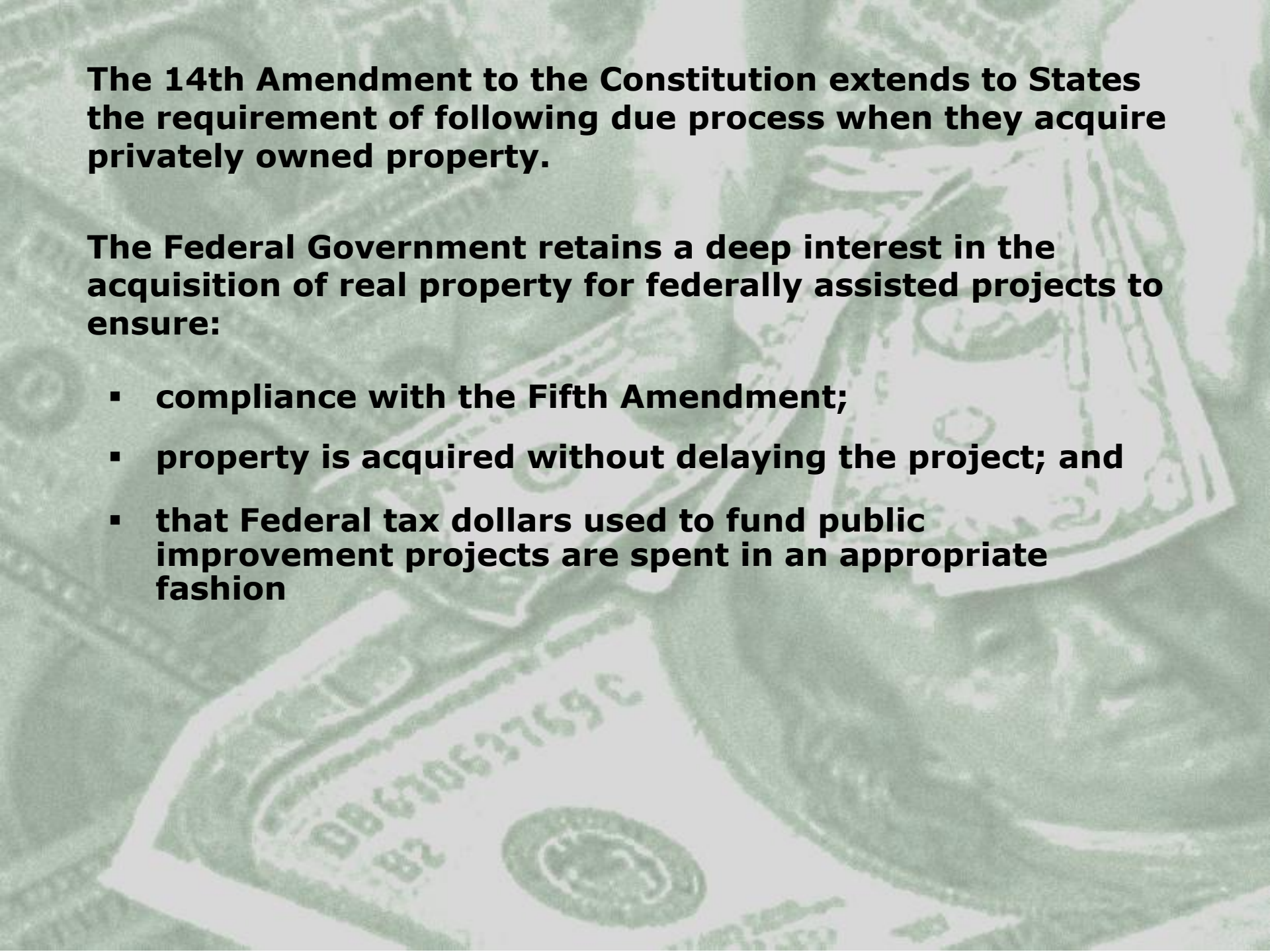
2013 CDBG Compliance Workshop



The background of the slide is a stylized American flag. It features a blue field with white stars in the upper left corner, and red and white wavy stripes covering the rest of the image. The text is overlaid on this background.

“No person shall. . . be
deprived of life, liberty, or
property, without due
process of law; nor shall
private property be taken
for public use without just
compensation.”

~ From 5th Amendment
U.S. Constitution

The background of the slide features a close-up, slightly blurred image of several US dollar bills. A \$100 bill is prominent in the upper right, showing the portrait of Benjamin Franklin. Below it, a \$20 bill is visible, showing the portrait of Andrew Jackson. The bills are fanned out, creating a sense of depth and texture. The overall color palette is dominated by the green and grey tones of the currency.

The 14th Amendment to the Constitution extends to States the requirement of following due process when they acquire privately owned property.

The Federal Government retains a deep interest in the acquisition of real property for federally assisted projects to ensure:

- **compliance with the Fifth Amendment;**
- **property is acquired without delaying the project; and**
- **that Federal tax dollars used to fund public improvement projects are spent in an appropriate fashion**

Typical Project Development Cycle

The background image shows a construction site for a drainage project. In the foreground, a concrete drainage structure with a circular pipe opening is visible. To the right, a surveying tripod stands on the dirt ground. In the background, a white dump truck is parked near a pile of dirt. A person in a white shirt and light-colored pants is standing further back on the site. The scene is set in a wooded area with tall trees and a clear sky.

- **Development of Project Alternatives**
- **Hazardous Materials and Contaminants**
- **Environmental Assessment**
- **Public Involvement**
- **Selection of Alignment**
- **Project design**
- **Utilities**
- **Right-of-Way Plans**
- **Acquisition**
- **Right-of-Way Certification**

Typical Project Development Cycle

Continued

- **Development of Project Alternatives**

From a property acquisition point of view, key elements of the study are the number of people and businesses which will be displaced, the estimated cost to acquire the real property for the project, and the estimated costs to relocate those eligible and/or to move personal property from the right-of-way.

- **Environmental Assessment**

Special consideration of potential impacts to public parks, recreation areas, wildlife and waterfowl refuge and historic sites are required by Federal law and by Federal regulations found at 23 CFR 771.135 (commonly referred to as "Section 4f").

Typical Project Development Cycle

Continued

▪ Project Design

The construction plans, specification, and estimates are developed for use in advertising for and constructing the project. The following two components are critical:

✓ Utilities

- **Depending on whether the utility occupies land outside or within the right-of-way will determine whether you have to pay for all or part of the cost of relocating its facilities.**

✓ Right-of-Way Plans

- **Contains essential data needed for appraisal and negotiation activities**
- **Provides sufficient information for preparation of legal descriptions of the properties and types of property interests to be acquired.**



ALABAMA DEPARTMENT
AND COMMUNITY AFFAIRS

JIM BYARD, JR.
DIRECTOR

OFFICE OF THE GOVERNOR

ROBERT BENTLEY
GOVERNOR

February 14, 2012

Jim Tinney's
Official
Signature

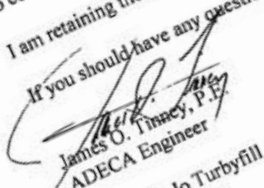
System Rehabilitation

Plans and specifications for the video and cleaning Project LR-CM-PF-11-007 and concur in them. Elements for the bid and contract documents must be obtained from the appropriate

This contract may not be advertised for bids until all required permits and easements have been obtained. One copy of the complete bid tabulations, the low bidder's bid, bid bond, Power of Attorney for the bid bond and the engineer's proposed recommendation for the award of the contract must be forwarded to this office for concurrence after bids have been received and prior to contract award.

I am retaining the one set of plans and specifications submitted for review for my files.

If you should have any questions, please contact me at 334/353-1028.


James O. Tinney, P.E.
ADECA Engineer

C: Carole Jo Turbyfill
Rod Hawkins
Ginny Anderson
file

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Policy Letter #12(a), Rev 1

Policy on Allowable Administrative Cost

November 26, 2001

Costs budgeted for work write-ups and inspections for housing rehabilitation projects should be identified as a separate budget line item, and the amount allocated for this activity must continue to be reasonable and necessary. Also, appraisals, surveys, and legal fees associated with acquisition and/or relocation are considered service delivery costs and should be included in the applicable construction line item.

Typical Project Development Cycle

Continued

- **Acquisition**

Once the above steps have been completed, including the environmental analysis and development of the right-of-way plans, the project is ready to enter the acquisition phase.

- **Right-of-Way Certification**

Prior to advertising for construction bids for the project, the acquiring agency must prepare a right-of-way certification.

Typical Project Development Cycle

Continued

▪ Right-of-Way Certification

- ✓ **states that the properties needed for construction of the project have been obtained**
- ✓ **project area is clear of any utilities and structures which must be moved**
- ✓ **persons or businesses displaced by the project have been relocated**
- ✓ **must include a statement that the agency has complied with Uniform Relocation Act requirements and that the project is ready for construction**

Agency then can advertise for bids to construct the project.

The background image shows a construction site. In the foreground, there is a large pile of reddish-brown dirt or sand. A green jackhammer is visible in the upper left, and a shovel with a red handle is in the upper right. The legs and feet of several people are visible, suggesting an active work environment.

What is the Uniform Act (URA)

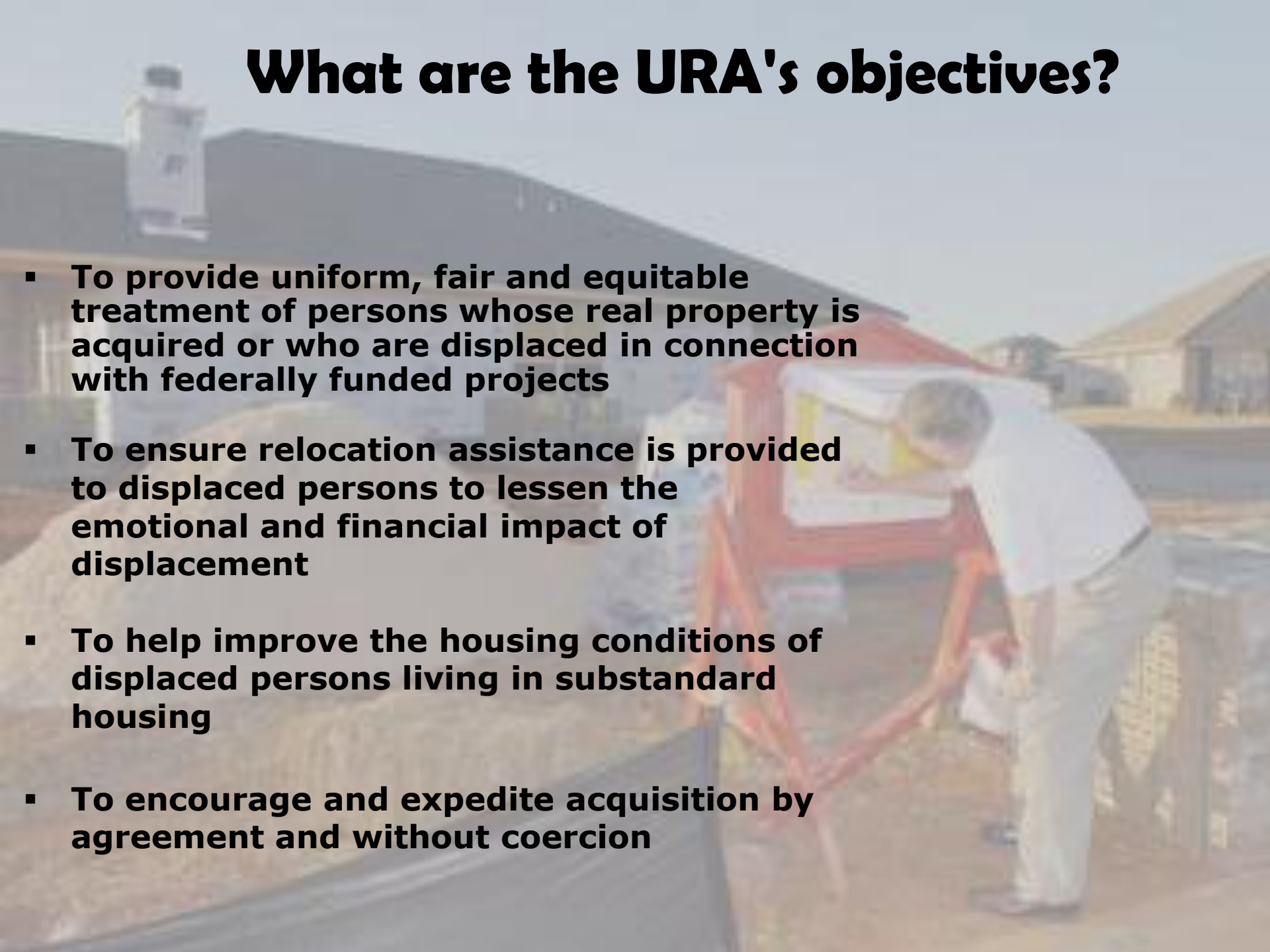
The [Uniform Relocation Act](#), passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property or displace persons from their homes, businesses, or farms.

This applies to the acquisition, rehabilitation, or demolition of real property for federally funded projects.

- [49 CFR Part 24](#) is the government-wide regulation that implements the URA.
- [HUD Handbook 1378](#) provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.

What are the URA's objectives?

- To provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects
- To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement
- To help improve the housing conditions of displaced persons living in substandard housing
- To encourage and expedite acquisition by agreement and without coercion



A background image showing a construction site. A yellow excavator is visible, along with a blue container. The scene is outdoors with trees and a hillside in the background.

How do URA requirements impact your project?

Agencies conducting a program or project under the URA must carry out their legal responsibilities to affected property owners and displaced persons. Agencies should plan accordingly to ensure that adequate **time, funding and staffing are available to carry out their responsibilities.**

Responsibilities of Acquisition:

- **Appraise property before negotiations**
- **Invite the property owner to accompany the appraiser during the property inspection**
- **Provide the owner with a written offer of just compensation and a summary of what is being acquired**
- **Pay for property before possession**
- **Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.**

Please note that agency responsibilities for voluntary acquisitions differ.

For Residential Replacements:

- **Provide relocation advisory services to displaced tenants and owner occupants**
- **Provide a minimum 90 days written notice to vacate prior to requiring possession**
- **Reimburse for moving expenses**
- **Provide payments for the added cost of renting or purchasing comparable replacement housing**

Please note that agency responsibilities for voluntary acquisitions differ.

For Nonresidential Replacements:

(businesses, farms, and nonprofit organizations)

- Provide relocation advisory services
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving and reestablishment expenses



Please note that agency responsibilities for voluntary acquisitions differ.

Planning for Acquisition and Relocation

Agencies should plan their projects to ensure adequate **time, funding, and staffing** is available to carry out their responsibilities under the URA.

Planning can "make" or "break" your project. A well planned project might be completed on time and on schedule, whereas, a poorly planned project can result in delays, funding shortfalls, bad publicity, and even legal action. As a result, all acquisition and relocation activities should begin early in the project planning process.

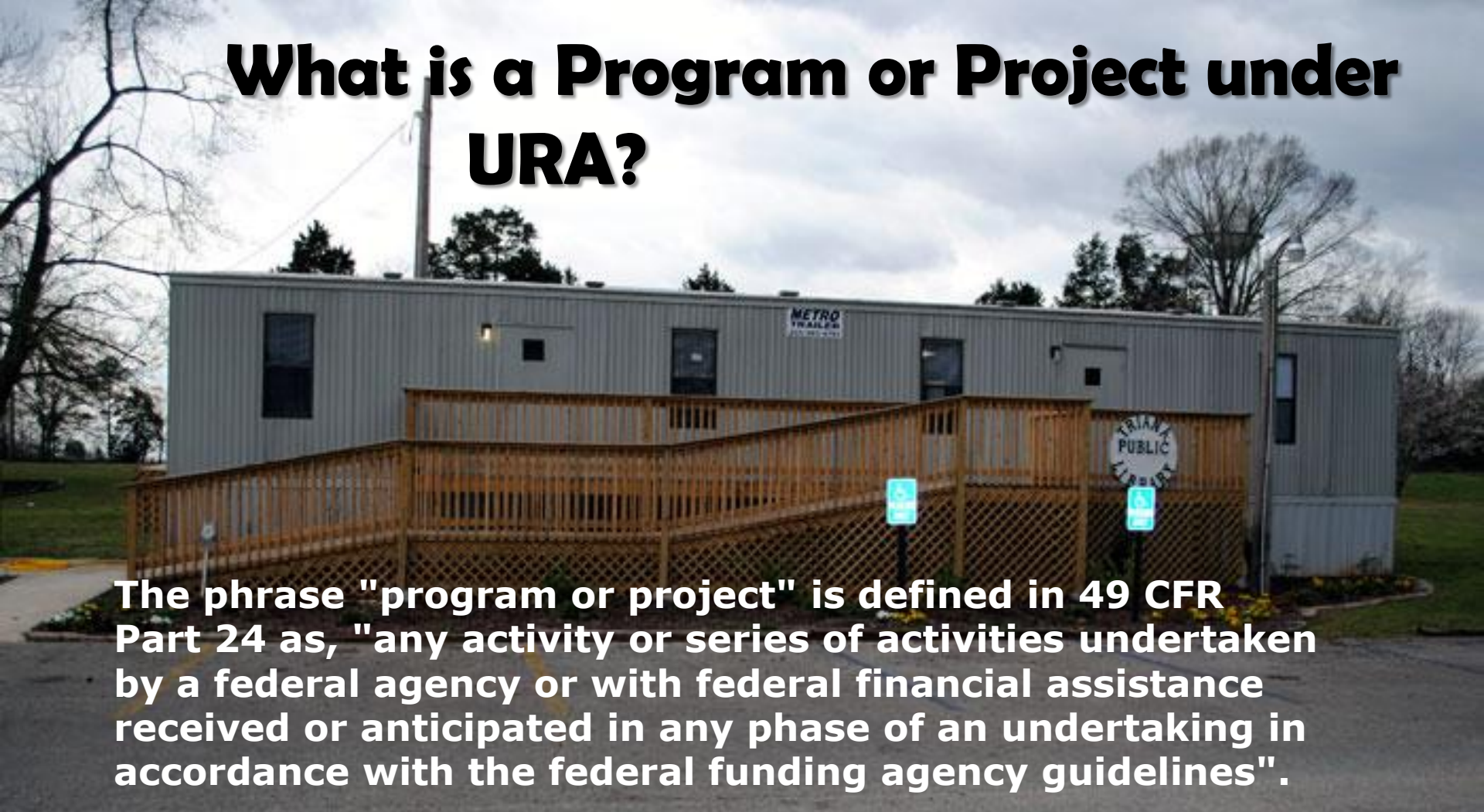
Planning for Acquisition and Relocation

Continued

Section 205 of the URA requires that, "Programs or projects undertaken by a federal agency or with federal financial assistance shall be planned in a manner that:

- Recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and
- Provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

What is a Program or Project under URA?



The phrase "program or project" is defined in 49 CFR Part 24 as, "any activity or series of activities undertaken by a federal agency or with federal financial assistance received or anticipated in any phase of an undertaking in accordance with the federal funding agency guidelines".

Where can you go to find more information about this topic?

- 49 CFR 24.2(a)(22), and Chapter 1 and Chapter 8 of [HUD Handbook 1378](#)
- 49 CFR 24.205 and Chapter 2 of [HUD Handbook 1378](#)

Issues to consider when planning for acquisition and relocation

- **Minimizing Displacement**
- **Budgetary Implications**
- **Coordination of the Project**
- **Determining Resource Needs**
- **Administrative Requirements**



Requirements under Section 104(d):

The relocation assistance and payments for eligible persons under Section 104(d) are similar to those required for the URA but there are a number of differences, including the period of time used to calculate a rental assistance payment; also, eligible displaced persons may choose to receive relocation assistance under Section 104(d) or relocation assistance under the URA.

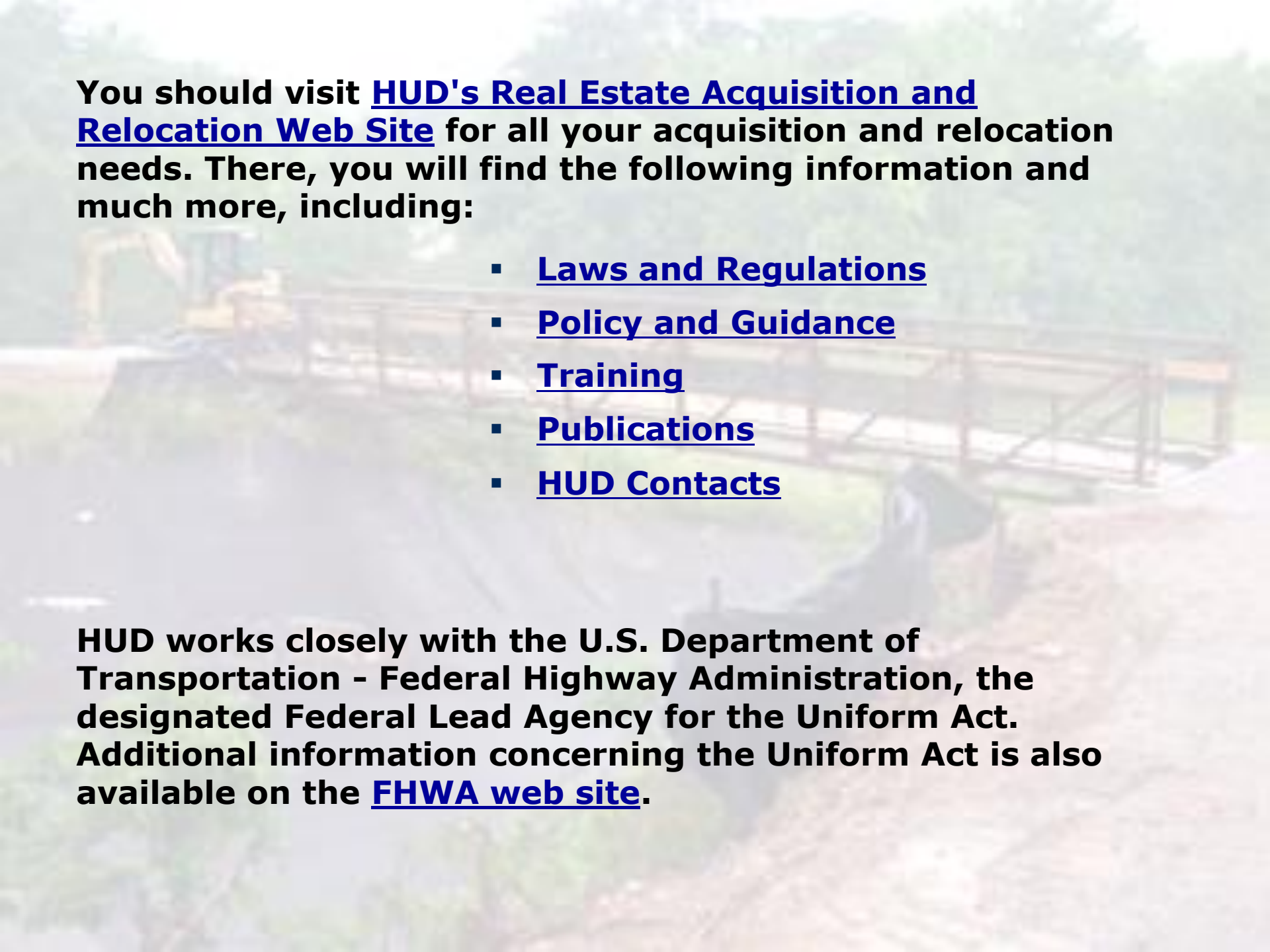
Where to find more information about Section 104(d):

Section 104(d) Regulations: [24 CFR Part 42](#) is the regulation that implements Section 104(d) of the Housing and Community Development Act.

You should consult [24 CFR Part 42](#) and Chapter 7 of [HUD Handbook 1378](#) for more guidance.

Additional Information

- **Voluntary vs. Involuntary Acquisition**
- **Involuntary Acquisition**
- **Who is/ Who is Not Displaced?**
- **Relocation Notices**
- **Relocation Advisory Services**
- **Residential Relocation**
- **Housing of Last Resort**
- **Temporary Relocation**
- **Nonresidential Relocation**



You should visit [HUD's Real Estate Acquisition and Relocation Web Site](#) for all your acquisition and relocation needs. There, you will find the following information and much more, including:

- [Laws and Regulations](#)
- [Policy and Guidance](#)
- [Training](#)
- [Publications](#)
- [HUD Contacts](#)

HUD works closely with the U.S. Department of Transportation - Federal Highway Administration, the designated Federal Lead Agency for the Uniform Act. Additional information concerning the Uniform Act is also available on the [FHWA web site](#).

Code of Alabama

Title 18: Eminent Domain

- [Section 18-1a-20](#) Application Of Article
- [Section 18-1a-21](#) Appraisal
- [Section 18-1a-22](#) Offer To Purchase At Full Appraised Value
- [Section 18-1a-23](#) Payment Or Deposit Before Surrender Of Possession
- [Section 18-1a-24](#) Notice To Terminate Occupancy
- [Section 18-1a-25](#) Rental To Former Owner Or Tenant After Property Acquired
- [Section 18-1a-26](#) Coercive Action Forbidden
- [Section 18-1a-27](#) Offer To Acquire Uneconomic Remnant
- [Section 18-1a-28](#) Acquisition Of Improvements To Be Removed Or Adversely Affected
- [Section 18-1a-29](#) Compensation For Tenant-Owned Improvements
- [Section 18-1a-30](#) Expenses Incidental To Transfer Of Title; Interest On Award
- [Section 18-1a-31](#) Waiver Of Failure To Comply With Sections 18-1a-20 Through 18-1a-30
- [Section 18-1a-32](#) Condemnation Action Required; Inverse Condemnation
- [Section 18-1a-33](#) Noncompliance With Article Does Not Affect Validity Of Condemnor's Interest; Construction Of Article With Federal Law As To Financial Assistance

More info from CDBG



ABOUT

Divisions

- Community Development Programs
 - Community Development Block Grant
 - Emergency Solutions Grant
 - Neighborhood Stabilization Program
 - State Small Business Credit Initiative
 - CDBG - Disaster Recovery
 - Office of Minority Business Enterprise
 - Enterprise Zone Program
- Community Services Block Grant
- Recreation and Conservation
- Appalachian Regional Commission
- Delta Regional Authority
- Connecting Alabama
- Alabama Advantage

ADECA > Divisions > Community and Economic Development > Community Development Programs > Community Development Block Grant

Community Development Block Grant

Since 1982, ADECA has administered the state's Community Development Block Grant U.S. Department of Housing and Urban Development.

The program is available to all Non-Entitlement communities that meet applicable the

ADECA has awarded approximately \$700 million in CDBG money to fund nearly 2,000

All projects must meet one of the National Objectives of the program – projects must people, aid in the prevention or clearance of slum and blight, or meet an urgent need.

Click the items below for more details on the CDBG program:

Overview
Application Manual
Current Forms and Sample Documents
Management and Implementation Manual
Davis Bacon Wage Rates
Excluded Parties List
Basically CDBG - Course Training Manual
CDBG Guide to National Objectives and Eligible Activities
Contact

www.Adeca.Alabama.gov

















Contact:

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334-353-3376

Chelese.Beck@adeca.alabama.gov

Basically CDBG - Course Training Manual

Type	Name
	01 TOC - Table of Contents
	Chapter 01 - Overview of the CDBG Program
	Chapter 02 - Activity Selection and Implementation
	Chapter 03 - National Objectives
	Chapter 04 - Housing Activities
	Chapter 05 - Other Real Property Improvements
	Chapter 06 - Public Facilities, Special Assessments, and Priv
	Chapter 07 - Public Services
	Chapter 08 - Economic Development and Section 108
	Chapter 09 - Other Eligible Activities
	Chapter 10 - Revitalization Areas
	Chapter 11 - Environmental Review
	Chapter 12 - Labor Standards
	Chapter 13 - Lead-Based Paint
	Chapter 14 - Relocation and Acquisition
	Chapter 15 - Fair Housing, Accessibility, and Equal Employm